

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COLBY GOROG, JOSHUA FLINT, LOUIS ROBINSON, and MICHAEL LERRO, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

ELON MUSK and TESLA, INC.,

Civil Action No.: 1:22-cv-05037-AKH

Defendants.

NOTICE OF MOTION FOR RULE 11 SANCTIONS

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the Declaration of Alex Spiro and the exhibits attached thereto, the Declaration of Jared Birchall, the Declaration of Suk Patel, and any other arguments or materials that the Court may consider before this motion is taken under submission, Defendants Elon Musk and Tesla, Inc. will move this Court, before the Honorable Alvin K. Hellerstein, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be set by the Court, for (i) an order granting Defendants Elon Musk and Tesla, Inc. all available sanctions under Federal Rule of Civil Procedure 11 and the Private Securities Litigation Reform Act against Plaintiffs' counsel, Evan Spencer at Evan Spencer Law, PLLC; and (ii) granting all such other and further relief as this Court may deem just and proper. Pursuant to Rule 11(c)(2), Defendants served this motion on Plaintiffs' counsel on June 22, 2023.

Opposition and reply papers are to be filed pursuant to Rule 6.1 of the Local Rules of the United States District Court for the Southern District of New York.

DATED: July 14, 2023
New York, New York

Respectfully submitted,

/s/ Alex Spiro

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